

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has cancelled claims 2 and 12. Therefore, upon entry of this Amendment, claims 1, 3-11, and 13-17 are all the claims pending in the application.

Claims 1, 2, 5, 11, 12, 15, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards et al. (U.S. Patent No. 6,539,213, hereafter "Richards") in view of Walker et al. (U.S. Patent Application Publication No. 2004/0048574, hereafter "Walker").

Claims 3 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Walker and further in view of Ozluturk et al. (U.S. Patent No. 7,072,380, hereafter "Ozluturk"). Claims 4 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Walker and further in view of Dress, Jr. et al. (U.S. Patent No. 6,603,818, hereafter "Dress"). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Walker and further in view Barnes et al. (U.S. Patent Application Publication No. 2002/0175850, hereafter "Barnes"). Claims 7-10 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richards in view of Walker and further in view of Takamura (U.S. Patent Application Publication No. 2003/0035465). By this Amendment, Applicant has cancelled claims 2 and 12, thereby rendering moot the rejections of claims 2 and 12. Applicant respectfully traverses the prior art rejections.

The Examiner alleges that Richards discloses all of the features of independent claim 1 and analogous independent claim 11, including changing the transmission power according to a data transmission scheme. The Examiner appears to take the position that the claimed feature of changing the transmission power according to a data transmission scheme, allegedly reads on the disclosure in box 1808A in FIG 18 of Richards that the output power of the transceiver is

controlled according to the power control update.

The Examiner acknowledges, however, that Richards does not teach or suggest a channel coding rate and modulation order are changed according to the data transmission scheme. The Examiner thus relies on Walker to cure this deficiency. Applicant respectfully disagrees with the Examiner's position and submits that independent claims 1 and 11 would not have been rendered obvious in view of the cited references.

Applicant respectfully submits that there is no teaching or suggestion in Walker of changing a channel coding rate and modulation order according to a data transmission scheme. The Examiner cites paragraph [0153] and claim 13 of Walker as allegedly disclosing this feature of the claims. However, these cited portions of Walker merely disclose the communication of channel configuration between transceivers by sending channel state and transmission parameters, such as modulation, coding, symbol rate, and sub-band bandwidths to the transceivers. Nowhere do these cited portions (or any other portion) of Walker teach or suggest the feature "wherein a channel coding rate, modulation order and transmission power are changed according to the data transmission scheme", as recited in the claims.

Further, Ozlaturk, Dress, Barnes and Takamura do not cure the deficiencies of Richards and Walker.

Accordingly, Applicant respectfully submits that independent claims 1 and 11 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 3-10 and 13-17 should also be allowable at least by virtue of their dependency on independent claims 1 and 11.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Mark E. Wallerson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Mark E. Wallerson
Registration No. 59,043

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: May 20, 2008